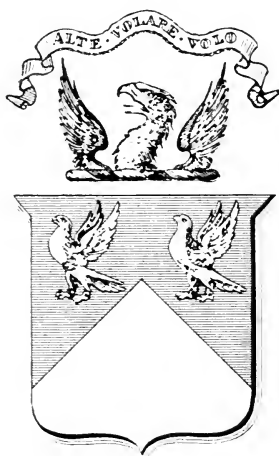




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1. Brown, John Leander. Earthquake blessings. 1906
2. Chapman, Charles E. The Alta California supply ships, 1773-76. 1915
3. Davidson, George. The Discovery of Humboldt Bay, California. 1891
4. Davis, John F. The History of California. 1915
5. Holway, Ruliff S. The Effect of seven years' erosion on the California fault line of 1906. 1914
6. Hunt, Nancy A. By Ox-team to California. 1916
7. Miller, E. I. A New departure in county government. 1913
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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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1912
10. Woolley, Lell Hawley.
California 1849-1913. 1913

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THE HISTORY OF CALIFORNIA

BY
JOHN F. DAVIS

*An Address delivered by the Hon. John F. Davis
Grand President of the Native Sons of the Golden West,
before the Panama-Pacific Historical Congress
of the American Historical Association, at
Native Sons' Hall, San Francisco,
Thursday, July 22, 1915*



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THE HISTORY OF CALIFORNIA

JOHN F. DAVIS

ONE great difference between the history of the commonwealths on the eastern seaboard and California arises out of the fact that the colonies out of which they grew were in existence so short a time as colonies before they became independent states. One result of this is that the period during which their history was a part of European history, or dependent upon European history, was comparatively short, while their history as independent commonwealths is, comparatively speaking, their real history. Not only was their colonial history comparatively short, but the control of their own affairs was, even during their colonial periods, so intimately their own, that their history was in only a very slight degree, if at all, dependent upon the events of European history, or upon the plans and schemes of European diplomacy. Whatever relation there may have been was snapped in 1776, and from the end of the Revolution their affairs have been dependent almost entirely upon American issues, and a recital of their history becomes rational and interesting without a concordant knowledge of European history to furnish a key.

With California history, on the other hand, back of 1821, the date of the establishment of Mexico's independence from Spain, the whole story is one of European history, of European governmental plans and policies, and not until that date did its history become in any sense American. The result is that a history of events on these western shores before that date needs a complete knowledge of concordant European history to furnish the key. Take, for instance, the splendid work of the navigators: unless we have the informing knowledge of what went on behind the scenes, in Europe at a corresponding period, our history of the struggle of those interesting centuries, no matter how heroic,

becomes a mere recital of events, and therefore somewhat dry to an audience looking for the mainsprings of civic and political life and action. What would be thought of a life of Columbus that consisted only of the daily logs of the *Santa María* and the other two ships on the first voyage and the logs of the ships upon the other voyages, with all the accompanying history of Spain — the struggle and triumph at the Court of Ferdinand and Isabella, the disputes before the councils of the nobles, La Rábida, the correspondence with Toscanelli, the intrigues of diplomacy, and all the rest of it — omitted? And it is precisely this background in full detail that we need to vivify the narrative of California history before the Mexican revolution, and the Academy of Pacific Coast History at Berkeley and the Professors of the Department of Spanish-American History at the University of California, are entitled to the thanks of the American Historical Association and of all scientific historians and to the support of all our people because they have undertaken in archives and monasteries and church records and chancelleries the research necessary to supply the need.

And yet — even with the documents we already have — the early history of the world-drama on this ocean and on these shores has begun to unfold, and at the risk of being somewhat “woodeny” for the reasons I have stated, I shall attempt, before going on to the vital things which we do understand, to call your attention to a few outstanding objective facts of the early story of this Coast. And, first of all, the name “California.”

Christopher Columbus, in one of his reports to his sovereigns, gave the name of the “Terrestrial Paradise” to the beautiful mesa region near the head waters of the Orinoco River, in what was afterward called Colombia, in South America. Montalvo’s charming fairy tale, entitled *The Deeds of Esplandián, the Son of Amadís of Gaul*, was published in Spain as early as 1510, eighteen years after the discovery of America, and the thrilling romance was the story of its day.

“Know then,” reads the story, “that on the right hand of the Indies there is an island called California, very close to the side of the Terrestrial Paradise, and it was peopled by black women, without any man among them, for they lived in the fashion of

Amazons. They were of strong and hardened bodies, of ardent courage and great force. The island was the strongest in the world from its steep rocks and great cliffs. Their arms were all of gold, and so was the harness of the wild beasts which they tamed and rode. Now, in the whole island, there was no metal but gold. They also had many ships, in which they made war and brought home to their island abundant plunder; and by reason of its rocky shores and steep cliffs, there was no island in any sea stronger than this island of California, nor so strong. In this island, called California, there were many griffins, on account of the great ruggedness of the country and its infinite host of wild beasts, such as never were seen in any other part of the world. Every man who landed on these islands was immediately devoured by these griffins." Of this wonderland of fable, where precious gems were in great abundance and where the only metal was gold, Calafia was queen, and after her the island was named. Of her it was said that she was "very large in person, the most beautiful of them all, of blooming years, and in her thoughts desirous of achieving great things, strong of limb and of great courage, more than any of those who had filled her throne before her."

That the name had been given to the country by Cortés was known to historians, but the source whence he had obtained it had long been a baffling question. For the discovery of this long forgotten romance and the final solution of the derivation of the name California, the world is indebted to the patient research and the brilliant scholarship of Edward Everett Hale.

No matter what credit of discovery France may compel in Canada and on the Mississippi, or England and Holland may compel on the Atlantic coast, Spain was the undisputed pioneer of the Pacific. Columbus was an Italian, but he sailed in the employ and under the colors of Ferdinand and Isabella. Magellan and Cabrillo were Portuguese, but they sailed in the service of Spain beneath the standard of Castile and Leon. Ponce de León, De Soto, Narváez, Balboa, Pizarro, Cortés, Maldonado, Grijalva, Mendoza, Ulloa, Ferrelo, Cermeño, Vizcaíno, Gálvez, Portolá, Anza, — all were Spaniards in the employ of the Spanish crown. The first circumnavigation of the globe by Magellan and

his companions, after an expedition lasting eleven hundred and twenty-four days, John W. Draper has called "the greatest achievement in the history of the human race." One of the truest of our modern critics, Charles F. Lummis, has said: "We love manhood; and the Spanish pioneering of the Americas was the largest, longest, and most marvellous feat of manhood in all history." And the discovery of California is as legitimate an offspring of Spanish pioneering activity as any other section of the Pacific Coast.

The early history of this coast is of a relative antiquity not always realized. A mere statement of dates does not always make the point clear. "A hundred years before John Smith saw the spot on which was planted Jamestown," says H. H. Bancroft, "thousands from Spain had crossed the high seas, achieving mighty conquests, seizing large portions of the two Americas and placing under tribute their peoples." Balboa discovered the Pacific Ocean two hundred and seventy-six years before the French Revolution began. Cabrillo sailed into San Diego harbor four years before Martin Luther died. Sir Francis Drake careened the *Golden Hind* under the lee of Point Reyes before Shakespeare had learned his alphabet. Junípero Serra founded our Mission of St. Francis of Assisi in the same year that the Liberty Bell rang out the Declaration of Independence in Independence Hall.

The past of California possesses a wealth of romantic interest, a variety of contrast, a novelty of resourcefulness and an intrinsic importance that enthralls the imagination. The Spanish exploration initiated by Cortés and afterwards revived by Gálvez, a marvellous drama of world-politics on these western shores, the civilization and colonization by the missions of the Franciscan fathers and the presidios of the army, the meteoric visit of Sir Francis Drake and his brother freebooters, the ominous encroachments of the Russian outposts, the decades of the pastoral life of the *haciendas* and its princely hospitality culminating in "the splendid idle forties," the petty political controversies of the Mexican régime and the play of plot and counterplot "before the Gringo came," the secret diplomatic movements of the United States to ensure the blocking of possible Russian, French, and English intrigue, the excitement of the conquest and the governmental

problems of the interregnum following the Mexican war, the story of the discovery of gold and its world-thrilling incidents and of the hardship and courage of the emigrant trail, the constitutional convention at Colton Hall and the unique method of the State's admission into the Union, the era of the Yankee clipper ships, the strenuous fight to save the state to the cause of freedom culminating in the Broderick-Terry duel, — these and later civic events of equal intensity and importance make a story absolutely kaleidoscopic in its contrasts and variety, impossible to cover within the limitations of an evening address.

Gold was the lure of the first Spanish expeditions and discoveries in California. When, in 1513, Balboa first gazed upon the Pacific Ocean — “silent, upon a peak in Darien” — Pizarro, the conqueror of Peru, stood at his side. “The accursed thirst of gold” cost the Incas their treasures and their civilization. When, in 1519, Cortés burned his ships at Vera Cruz, in order that there might be no retreat, the mines, the treasures and the palaces of Montezuma and the Incas were the prizes to be won. Moreover, an age that had seen and read the reports of the marvellous wealth of Peru and New Spain (as Mexico was then called) could easily believe any story of marvellous riches that might be told. No sooner had Cortés completed the conquest of Mexico than rumors of riches in the north led to preparations for its exploration.

Many were the expeditions to the north attempted by Cortés. He first built four ships at Zacatula, but they were burned before launching. After five years four more ships were built and launched, but intrigue at home prevented the sailing of more than one, the ship commanded by Maldonado, which did not quite reach Lower California, but returned to Zacatula with the usual accounts of fertile lands and precious metals. Two new ships built by Cortés left Acapulco in 1532 but were doomed to failure. Finally two more ships were built by Cortés and were sent out from Tehuantepec in 1533, one under Mendoza and the other under Grijalva. Mendoza's crew mutinied and killed their captain, but the mate, Fortún Jiménez, continued the voyage until they discovered what they considered an island. Jiménez and twenty of his men were killed by the Indians upon attempting to land, and the survivors of the crew escaped to the eastern shores of the

water, where the ship was seized, and the few remaining survivors of this latest disaster finally brought to Cortés the news of the discovery. So it was Fortún Jiménez on the ship *Concepción* that first discovered the mysterious island. Cortés then built still other ships, and in 1535 himself sailed with over one hundred men for the Bay of Santa Cruz, on the newly discovered "island," which had itself been named Santa Cruz. The exact date when he gave it the name of California is not known, but it is known that by 1540 it bore that name.

On this supposed island Cortés attempted to plant a colony, but the scheme was not successful. The suffering of the colonists were appalling, the death-rate large, and the pitiful remnant "cursed Cortez, his island, his bay, and his discovery." Heart-sick at the sight of so much suffering, and failing to find the reputed gold he had spent a fortune in seeking, he abandoned the enterprise and returned to Mexico proper. The first attempt at colonization in the Californias had failed. Poor Cortés! He may have been the first, but he probably will not be the last to "go broke" hunting for gold mines in the Californias.

Like every man inoculated with the gold fever, however, he was loath to let go. Three years later he sent Francisco de Ulloa to explore the northern coasts. Ulloa first skirted the eastern coast of the gulf, and then, returning, sailed up the outer coast as far as $29^{\circ} 56'$ north latitude, thereby, at least, proving Lower California to be a peninsula instead of an island, though for generations it continued to be described and delineated as an island in many official accounts and maps of the period.

Time will not permit me to relate the fascinating narrative of the frightful hardships of the great expeditions of Alarcón by sea, up the gulf of California and the Colorado River, and of Coronado by land, in search of those will-o'-the-wisps, the fabled Seven Cities of Cibola and the mythical Kingdom of Quivira, the latter at one time supposed to be on the coast of California in the latitude of what was subsequently called Cape Mendocino. It would take an evening alone properly to depict the high hopes, the physical heroism, the horror, and the desolation of it all, and in the end it turned away from, instead of toward, California. Once more the lure of promised fields, gold and precious stones had failed.

While Coronado was still absent on this expedition in search of Quivira, Mendoza, the Viceroy of New Spain, sent the brave and stout-hearted Juan Rodríguez Cabrillo on the voyage that was at last to succeed in discovering Alta or Upper California. Cabrillo started from Navidad June 27, 1542, with two small ships, and on September 28th of the same year sailed into the beautiful Bay of San Diego, which he called San Miguel in honor of Archangel Michael whose day is September 29th. To Cabrillo belongs the illustrious honor of discovering Alta California, he "being the first white man," according to Hittell, "so far as we have any positive information, who laid his eyes or placed his feet upon its soil." Cabrillo spent six days in this harbor and vicinity and then sailed north. Storms separated his vessels, but they met about the middle of November in the gulf which they named the Bahía de los Pinos, because of the pines which covered the mountains, the now celebrated Drake's Bay, where they were unable to land, but where they cast anchor in order to take possession of the country. He was finally driven south into the Gulf of the Farallones, into the vicinity of the Golden Gate, *which he failed to discover*. The early winter storms were upon him, and as a prudent navigator he finally sailed for the channel islands, in the harbor of one of which he cast anchor. Here, on January 3, 1543, Cabrillo died, giving the command to his mate Ferrelo, with the dying instruction to continue the voyage, and not quit until the entire coast had been explored. In honor of his chief, Ferrelo named the island Juan Rodríguez. Here rest the ashes of the great navigator who first discovered what we now know as California.

Right loyally did Ferrelo carry out his dying chief's instructions. On January 19th, he resumed the exploration northward, and speeding before a fierce gale he reached latitude 42° 30' north, on March 1st, and sighted Cape Blanco, in southern Oregon. The severe storms continued until, after frightful sufferings and with his provisions reduced to a few sea-biscuits, he made for home, reaching Navidad April 14, 1543. The whole coast of the present California had been at last explored, though the Bay of San Francisco had not been discovered.

Into this drama of discovery and exploration then came one

of those startling contrasts with which the history of California is so replete. Spain and Portugal had quarreled over the ocean routes of travel, and Pope Alexander VI had settled the dispute by drawing, one hundred leagues west of the Cape Verde Islands, the famous north and south Line of Demarcation, in his Bull of May 5, 1493. By treaty between those powers the line had been afterwards shifted two hundred and seventy leagues further west. Spain was to be entitled to all she discovered west of the line, Portugal to all she discovered east of the line. The Line kept Spain from sailing east, and Portugal from sailing west. Spanish trade with the Philippines and the Far East thus avoided the Cape of Good Hope and the Indian Ocean, and went around South America and across the Pacific. The English claimed, however, that they had the right to trade with the Spanish colonies by virtue of a treaty made with Spain in the reign of Charles V. Spain denied the right, and promulgated the doctrine that there was "no peace beyond the Line." England retaliated with piracy, carried on by some of her hardiest and most skilled navigators. In 1578 Sir Francis Drake, the most celebrated and resourceful of her freebooters, came through the Straits of Magellan, and up the coast of South and North America, and by the time he reached California waters his ship, the *Golden Hind*, was so loaded with loot and treasure, that he realized the desperate chances of capture he would be taking if he retraced his steps. He pushed on seeking a passage through the fabled Strait of Anian till he reached the latitude of southern Oregon, whence, he claimed, the raging weather, bitter cold, and precarious condition of his vessel compelled him to turn south, as Ferrelo had done, but instead of daring to go to the channel islands, when he came to the Farallones he named them the Islands of St. James, boldly made for the shore, beached his ship in what is now known as Drake's Bay, claimed the country for England, and named it Nova Albion—the *first New England on this continent*—June 17, 1579, forty-one years before the *Mayflower* reached Plymouth Rock, and two hundred and two years before the Battle of Bunker Hill. Here he careened and cleaned his ship, the only one left of the five with which he had sailed from England, and though he took a month in doing it, and was all that time within thirty miles of the Golden Gate,

he did not discover the Gate. He conducted services according to the ritual of the Church of England, set up a large post, upon which he nailed a brass plate, engraved with the name of Queen Elizabeth, the date, the submission of the Indians, and his own name, and not having been able to find the Strait of Anian, he provisioned his craft with seal meat from the Farallones and set sail for the Cape of Good Hope, which he made in good season, and finally reached Plymouth Harbor, in England, three years after he had left it, and startled the world with the news of another circumnavigation of the globe, this time by an Englishman.

The next attempt at Spanish discovery and exploration in California arose from a different motive than the lure of gold. The Philippine Islands, it will be remembered, had been discovered by Magellan in 1521. By 1565 Spain had established colonies there. The trade with the Indies, which had been the motive of Columbus' original voyage of discovery, had begun to make a sort of clearing-house of the Philippines, and had become the most profitable trade of Spain in the sixteenth and seventeenth centuries. Vessels on their return trip ordinarily sailed by the northern circle which brought them in first sight of land on the California coast in the neighborhood of Cape Mendocino, when they turned south for the harbor of Acapulco. The run was too long, however, and a harbor of refuge, for shelter and repair, on the stern and rock-bound coast was greatly desired, preferably not too far from the first landfall on the return home. The supreme motive was *to find a harbor*, and the supreme irony was that for nearly two hundred years navigators passed and repassed in front of one of the finest harbors of the world *and never discovered it*. In fact, the Spanish government in 1585 gave direct orders to Captain Gali for a survey of the coast of California, south of Cape Mendocino, on his return trip, and a beginning was made, and the survey resumed ten years later by Cermeño, on his return trip, and continued to Point Reyes, within thirty miles of San Francisco Bay, when he lost his ship, his pilot and some of the crew escaping in an open boat.

Of such necessity was it deemed to find a harbor that the survey was now attempted from the South. In 1596 Sebastián Vizcaíno, commissioned by the viceroy, the Count of Monterey,

sailed from Acapulco. His first trip was up the Gulf of California, and was a failure. In 1602 he again set sail from Acapulco with three ships and a launch with special instructions to survey the coast from Cape St. Lucas to Cape Mendocino. He had with him the pilot of the lost ship of Cermeño. As the log with the map was official it was of great importance to succeeding explorers, but to Californians the chief interest of Vizcaíno's second trip consists in the fact that the names which he gave to the islands, straits, capes, and other geographical prominences have, almost without exception, all come down to this day. On November 10 he sailed into San Diego harbor, and changed its name from San Miguel, the name given by Cabrillo, and named it for St. James of Alcalá (Spanish, San Diego), whose anniversary he celebrated on the shore November 14th. On the 26th he entered and named the harbor of San Pedro for St. Peter, Bishop of Alexandria, whose anniversary fell upon that date. He named the islands of Santa Catalina and San Clemente. He named Santa Barbara channel, through which he sailed on the Saint's day, December 4th, and also, for like reason, named Isla de Santa Barbara and Isla San Nicolás, in the latter instance supplanting the name of Juan Rodríguez given it by Ferrello in honor of Cabrillo. On the 14th he rounded and named Punta de la Concepción. Rio del Carmelo he named after the three Carmelite friars on his ship. He named the Point of Pines and on December 28, 1602, sailed into Monterey Bay, which he named after the Count of Monterey, who had sent out the expedition. He landed, had the mass celebrated and a Te Deum chanted beneath the historic oak at the sea-shore, and unfurled the standard of Spain. Though this bay is but an open roadstead, he treated it as the long-sought harbor of refuge, and so reported to his King. Sending back the sick and the helpless on one of his ships, he pushed north with the remainder, and as the pilot of Cermeño's wrecked ship claimed that chests of silk had been left on the shore, he made the harbor of Drake's Bay, under the lee of the cape, which he named Punta de los Reyes, in honor of the Three Kings, whose feast day had happened the day of his arrival. No trace of any ship or cargo was found, and *no Bay of San Francisco was discovered*, though but thirty miles away. He then started north-

ward and was driven by a gale beyond Cape Mendocino, and when the fog lifted on January 20th, he was in sight of Cape Blanco, off the coast of southern Oregon, when, as it was the limit of his instructions, with the statement in his report that the trend of the coast was onward "towards Japan and great China, which are but a short run away," he returned to Acapulco, where he arrived toward the end of the following March. The stout old Captain and his men had been much impressed by the abundance and variety of wild game in and about Monterey, and in his report he begged an opportunity to return with sufficient equipment to make a permanent settlement, but by the time the sovereign's assent had been obtained he had become too old and infirm to make the attempt. The discovery of the harbor and the permanent settlement of country were on the knees of the gods, and not for one hundred and sixty years afterwards was it destined to be accomplished, and then from the land and not from the sea.

When we remember Cabrillo, Ferrelo, Drake, Gali, Cermeño, Vizcaíno, and all the others that passed and repassed the gate without seeing it, may we not ask ourselves, Was the curtain of fog always lowered as a screen before a vessel passed? Or was the Gate always just below the horizon? Marvellous it is that so many of these landed under the lee of Point Reyes and discovered nothing. More marvellous still that no member of Drake's crew, in all the thirty days' stay, ever climbed an eminence that commanded a view. Most marvellous of all that the pilot and crew of Cermeño, escaping in an open boat, which would naturally have kept comparatively close to the shore, saw nothing. A wonderful part has that mantle of fog played in the history of San Francisco Bay! No wonder we take down from the shelf the old Indian legend, and read it again:

"There was once a time when the entire face of the country was covered with water, except two islands, one of which was Mt. Diablo, the other Tamalpais. As the Indians increased the waters decreased, until where the lake had been became dry land. At that time what is now known as the Golden Gate was an entire chain of mountains, so that you could go from one side to the other dry-shod. There were at this time two outlets for

the waters: one was Russian River, the other San Juan. Some time afterwards a great earthquake severed the chain of mountains, and formed what is now known as the Golden Gate. Then the waters of the Great Ocean and the Bay were permitted to mingle. The rocky wall being rent asunder, it was not long before the 'pale faces' found their way in, and, as the waters decreased at the coming of the Indians, so have the Indians decreased at the approach of the white man, until the whoop is heard no more, and the council fire is no more lighted; for the Indians, like shadows, have passed silently away from the land."

And then for over one hundred and sixty years, while the commerce with the Philippines grew apace, and while the activities of Spain found occupation at home, no practical measures were taken for the exploration, colonization, or civilization of California by her. In the meantime, the far flung colonization schemes of England had occupied the Atlantic Coast, and the rising power of France had reached the Mississippi, on the east, and Bering had carried the Russian eagles across the strait, on the north. The more immediate danger appeared on the northern horizon, and Spain at length aroused herself to understand that if the Californias were to be retained, they must be occupied, settled, and civilized. As a result of the wisdom of her councillors came the great expedition of Joseph Gálvez to New Spain — Gálvez the guiding hand back of the scheme of mission and presidio and *pueblo* that has shed over the history of California a perfect halo of Spanish glory, — Gálvez, one name California must never forget, because without him, or without some one in his place, or without the continental advices that created his mission, there might have been no Anza, no Portolá, no Junípero Serra. Incident to the plan of occupation, settlement, and civilization, was soon again developed the supreme practical necessity of *finding a harbor*. The military and civil features of the expedition were entrusted to Gaspar de Portolá, and the religious feature to Junípero Serra, Father-President of the Franciscan missions. The *San Antonio* and the *San Carlos* constituted the naval feature along the coast. July 1, 1769, marked the entrance of the expedition into San Diego. On July 16, 1769, Father Junípero Serra founded the Mission of San Diego de Alcalá. I have not the

time to describe the march of Portolá and its heart-breaking incidents, nor the accidental discovery of San Francisco Bay from the heights above Montara by some of the force under his command, about November 2, 1769, nor the naming of the Bay after St. Francis of Assisi, the patron of the Franciscan order, under the promise that had been made by Portolá to Father Junípero Serra, nor the first entrance by any vessel into San Francisco Bay, when six years later, the packet-boat *San Carlos*, under the command of Lieutenant Juan Manuel de Ayala, came through the Gate, on August 5, 1775, and cast anchor at half past ten in the evening, off what is now Sausalito. Neither have I the time to sketch the wonderful march of Juan Bautista de Anza from Sonora to the Bay that had been discovered, when he founded the Presidio of San Francisco on the Feast of the Stigmata of St. Francis of Assisi, September 17, 1776, nor the opening of Mission Dolores, postponed until the Feast of St. Francis, October 4, of the same year. That march was the Anabasis of California. Nothing in Xenophon's recital of the March of the Ten Thousand to the sea equals it. And it gives me a peculiar pleasure to give public recognition of the great service performed by Zoeth S. Eldredge, sitting upon the platform this evening, for the splendid work in his *History of California*, in five volumes, which has just come off the press, for his service in giving this brave and patient military leader his proper place in the perspective of the Spanish history of California.

Four presidios were established, at Monterey, San Francisco, San Diego, and Santa Barbara, respectively. Three *pueblos* were founded, or attempted to be founded, at San José de Guadalupe, Nuestra Señora la Reina de Los Ángeles (Our Lady the Queen of the Angels), and Branciforte, the present Santa Cruz. Twenty-one missions were founded, about a day's journey apart, stretching from San Diego de Alcalá on the south to San Francisco de Solano on the north. What will ever stand out on the horizon of this period of California's history is not the story of its presidios with their incidents of the life of the military barracks and the occasional skirmish between wilful soldier and watchful *padre*, nor the story of its *pueblos* with their combination between a kind of homestead law and a sort of a city charter, but the

attempt to civilize, to uplift humanity — the battle under the standard of the cross to save the souls of men — by the missions of the Franciscan *padres*.

"The official purpose here, as in older mission undertakings," says Dr. Josiah Royce, "was a union of physical and spiritual conquest, — soldiers under a military governor coöperating to this end with missionaries and mission establishments. The natives were to be overcome by arms in so far as they might resist the conquerors, were to be attracted to the missions by peaceable measure in so far as might prove possible, were to be instructed in the faith, and were to be kept for the present under the paternal rule of the clergy, until such time as they might be ready for a free life as Christian subjects. Meanwhile, Spanish colonists were to be brought to the new land as circumstances might determine, and to these, allotments of land were to be made. No grants of lands in a legal sense were made or promised to the mission establishments whose position was to be merely that of spiritual institutions, intrusted with the education of neophytes, and with the care of the property that should be given or hereafter produced for the purpose. On the other hand, if the government tended to regard the missions as purely subsidiary to its purpose, the outgoing missionaries to this strange land were so much the more certain to be quite uncorrupted by worldly ambitions, by a hope of acquiring wealth, or by any intention to found a powerful ecclesiastical government in the new colony. They went to save souls, and their motive was as single as it was worthy of reverence. In the sequel, the more successful missions of Upper California became, for a time, very wealthy; but this was only by virtue of the gifts of nature and of the devoted labors of the *padres*."

Speaking of these upon another occasion, I said: "Such a scheme of human effort is so unique and so in contrast to much that obtains to-day that it seems like a narrative from another world. Fortunately, the annals of these missions, which ultimately extended from San Diego to beyond Sonoma, stepping-stones of civilization on this coast, are complete, and their simple disinterestedness and directness sound like a tale from Arcady. They were signally successful because those who conducted them were

true to the trusteeship of their lives. They cannot be held responsible if they were unable in a single generation to eradicate in the Indian the ingrained heredity of shiftlessness of all the generations that had gone before. It is a source of high satisfaction that there was on the part of the *padres* no record of overreaching the simple natives, no failure to respect what rights they claimed, no carnage and bloodshed, that have so often attended expeditions set nominally for civilization, but really for conquest. Here at least was one record of missionary endeavor that came to full fruition and flower, and knew no fear or despair, until it attracted the attention of the ruthless rapacity and greed of the Mexican governmental authority crouching behind the project of secularization. The enforced withdrawal of the paternal hand before the Indian had learned to stand and walk alone, coupled in some sections with the dread scourge of pestilential epidemic, wrought dispersion, decimation, and destruction. If, however, the teeming acres are now otherwise tilled, and if the herds of cattle have passed away and the communal life is gone forever, the record of what was accomplished in those pastoral days has linked the name of California with a new and imperishable architecture, and has immortalized the name of Junípero Serra. The pathetic ruin at Carmel is a shattered monument above a grave that will become a world's shrine of pilgrimage in honor of one of humanity's heroes. The patient soul that here laid down its burden will not be forgotten. The memory of the brave heart that was here consumed with love for mankind will live through the ages. And, in a sense, the work of these missions is not dead — their very ruins still preach the lesson of service and of sacrifice. As the fishermen off the coast of Brittany tell the legend that at the evening hour, as their boats pass over the vanished Atlantis, they can still hear the sounds of its activity at the bottom of the sea, so every Californian as he turns the pages of the early history of his State feels at times that he can hear the echo of the Angelus bells of the missions, and amid the din of the money-madness of these later days can find a response in 'the better angels of his nature.'"

The record of this spiritual battle is part of our tradition. It is inextricably interwoven with the history of our common-

wealth. It has been seen that it was linked up with the plans of Gálvez, and not with the plans of Cortés. The latter's prime object was the discovery of gold, and it is another of the ironies of California's history that those who had hunted for the gold did not discover it, and that when it was finally discovered, just as in the case of the harbor, it was found by accident. And it is a probability not always apprehended that had gold been discovered in the days of Spain's ascendancy, the country would have been colonized by her as effectively as Peru and Mexico, and that while it would have been ultimately lost to her politically, just as they were, its destinies might never have been in the hands of Americans. Not simply the discovery of gold, then, but the *date of its discovery*, was what settled the destiny of California. Unauthenticated rumors of the existence of gold had long been bruited about. The first specific intimation was the unimportant discovery near San Fernando in 1842. Thomas O. Larkin, the consul of the United States government, had for some time been secretly sending to Washington from Monterey his impressions of the great wealth of the country and his warnings against possible observance by other powers. Knowing intimately the desires of the government, he lost no opportunity to whet its appetite. The Mexican War was impending. On the 4th of May, 1846, in an official letter to James Buchanan, then Secretary of State, Larkin boldly wrote as follows: "There is no doubt but that gold, quicksilver, lead, sulphur, and coal mines are to be found all over California, and it is equally doubtful whether, under their present owners, they will be worked." Suggestion could hardly be broader. Sixty-four days later, by one of these queer coincidences of history, on the 7th of July, 1846, Commodore Sloat raised the American flag at Monterey, and the opportunity for the Spanish, or even for the Mexicans, to discover gold in California, had passed forever.

James W. Marshall made the discovery of gold in the race of a small mill at Coloma in the latter part of January, 1848. Thereupon took place an incident of history which demonstrated that Jason and his companions were not the only Argonauts who ever made a voyage to unknown shores in search of a golden fleece. The first news of the discovery almost depopu-

lated the towns and ranches of California and even affected the discipline of the small army of occupation. The first winter brought thousands of Oregonians, Mexicans, and *Chilenos*. The extraordinary reports that reached the East were at first disbelieved, but when the private letters of army officers and men in authority were published, an indescribable gold fever took possession of the nation east of the Alleghanies. All the energetic and daring, all the physically sound of all ages, seemed bent on reaching the new El Dorado. "The old Gothic instinct of invasion seemed to survive and thrill in the fiber of our people," and the camps and gulches and mines of California witnessed a social and political phenomenon unique in the history of the world — the spirit and romance of which have been immortalized in the pages of Bret Harte. Before 1850 the population of California had risen from 51,000, as it was in 1847, to 100,000, and the average weekly increase for six weeks thereafter was 50,000. The novelty of this situation produced in many minds the most marvellous development. "Every glance westward was met by a new ray of intelligence; every drawn breath of western air brought inspiration; every step taken was over an unknown field; every experiment, every thought, every aspiration and act were original and individual."

No more interesting phase of history can be presented than that which arose in California immediately after Marshall's discovery, with reference to titles upon the public domain. The United States was still at war with Mexico, its sovereignty over the soil of California not being recognized by the latter. The treaty of Guadalupe Hidalgo was not signed until February 2, and the ratified copies thereof not exchanged at Querétaro till May 30, 1848. On the 12th of February, 1848, ten days after the signing of the treaty of peace and about three weeks after the discovery of gold at Coloma, Colonel Mason did the pioneers a signal service by issuing, as governor, the proclamation concerning the mines, which at the time was taken as a finality and certainty as to the status of mining titles in their international aspect. "From and after this date," the proclamation reads, "the Mexican laws and customs now prevailing in California relative to the denouncement of mines are hereby abolished."

Although as the law was fourteen years afterwards expounded by the United States Supreme Court, the act was unnecessary as a precautionary measure,¹ still the practical result of the timeliness of the proclamation was to prevent attempts to found private titles to the new discovery of gold on any customs or laws of Mexico.

Meantime, California was governed by military authority. Except an act to provide for the deliveries and taking of mails at certain points on the coast, and a resolution authorizing the furnishing of arms and ammunition to certain immigrants, no federal act was passed with reference to California in any relation; in no act of Congress was California even mentioned after its annexation, until the act of March 3, 1849, extending the revenue laws of the United States "over the territory and waters of Upper California, and to create certain collection districts therein." This act of March 3, 1849, did not even create a local tribunal for its enforcement, providing instead that the District Court of Louisiana and the Supreme Court of Oregon should be courts of original jurisdiction to take cognizance of all violations of its provisions. Not even the act of the 9th of September, 1850, admitting California into the Union, extended the general laws of the United States over the State by express provision. Not until the act of September 26, 1850, establishing a District Court in the State, was it enacted by Congress "that all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said State of California as elsewhere in the United States."

Though no general federal laws were extended by Congress over the later acquisitions from Mexico for more than two years after the end of the war, the paramount title to the public lands had vested in the federal government by virtue of the provisions of the treaty of peace; the public land itself had become part of the public domain of the United States. The army of occupation, however, offered no opposition to the invading army of prospectors. The miners were, in 1849, twenty years ahead of the railroad and the electric telegraph. The telephone had not yet been invented. In the parlance of the times, the prospectors

¹ United States vs. Castellero, 2 Black (67 U.S.), 17-371.

"had the drop" on the army. In Colonel Mason's unique report of the situation that confronted him, discretion waited upon valor. "The entire gold district," he wrote to the government at Washington, "with few exceptions of grants made some years ago by the Mexican authorities, is on land belonging to the United States. It was a matter of serious reflection with me how I could secure to the government certain rents or fees for the privilege of procuring this gold; but upon considering the large extent of the country, *the character of the people engaged, and the small scattered force at my command*, I am resolved not to interfere, but permit all to work freely." It is not recorded whether the resolute colonel was conscious of the humor of his resolution. This early suggestion of conservation was, under the circumstances, manifestly academic.

The Supreme Court of the United States, in commenting on the singular situation in which Colonel Mason found himself, clearly and forcefully states his predicament. "*His position*," says that Court, "*was unlike anything that had preceded it in the history of our country*. . . . It was not without its difficulties, both as regards the principle upon which he should act and the actual state of affairs in California. He knew that the Mexican inhabitants of it had been remitted by the treaty of peace to those municipal laws and usages which prevailed among them before the territory had been ceded to the United States, but that a state of things and population had grown up during the war, and after the treaty of peace, which made some other authority necessary to maintain the rights of the ceded inhabitants and of immigrants from misrule and violence. He may not have comprehended fully the principle applicable to what he might rightly do in such a case, but he felt rightly, and acted accordingly. He determined, in the absence of all instruction, to maintain the existing government. The territory had been ceded as a conquest, and was to be preserved and governed as such until the sovereignty to which it had passed had legislated for it. That sovereignty was the United States, under the Constitution, by which power had been given to Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with the power also to admit new States

into this Union, with only such limitations as are expressed in the section in which this power is given. The government, of which Colonel Mason was the executive, had its origin in the lawful exercise of a belligerent right over a conquered territory. It had been instituted during the war by the command of the President of the United States. It was the government when the territory was ceded as a conquest, and it did not cease, as a matter of course, or as a necessary consequence of the restoration of peace. The President might have dissolved it by withdrawing the army and navy officers who administered it, but he did not do so. Congress could have put an end to it, but that was not done. The right inference from the inaction of both is, that it was meant to be continued until it had been legislatively changed. No presumption of a contrary intention can be made. Whatever may have been the causes of delay, it must be presumed that the delay was consistent with the true policy of the government."¹

This guess, being the last guess, must now be taken as authoritative.

The prospectors and miners were, then, in the start, simply trespassers upon the public lands as against the government of the United States, with no laws to guide, restrain, or protect them, and with nothing to fear from the military authorities. They were equal to the occasion. The instinct of organization was a part of their heredity. Professor Macy, in a treatise issued by Johns Hopkins University, once wrote: "It has been said that if three Americans meet to talk over an item of business the first thing they do is to organize."

"Finding themselves far from the legal traditions and restraints of the settled East," says the report of the Public Land Commission of 1880, "in a pathless wilderness, under the feverish excitement of an industry as swift and full of chance as the throwing of dice, the adventurers of 1849 spontaneously instituted neighborhood or district codes of regulation, which were simply meant to define and protect a brief possessory ownership. The ravines and river bars which held the placer gold were valueless for settlement or home making, but were splendid stakes to hold for a few short seasons and gamble with nature for wealth or ruin.

¹ *Cross vs. Harrison*, 16 Howard (57 U.S.), 164, 192.

"In the absence of state and federal laws competent to meet the novel industry, and with the inbred respect for equitable adjustments of rights between man and man, the miners sought only to secure equitable rights and protection from robbery by a simple agreement as to the maximum size of a surface claim, trusting, with a well-founded confidence, that no machinery was necessary to enforce their regulations other than the swift, rough blows of public opinion. The gold seekers were not long in realizing that the source of the dust which had worked its way into the sands and bars, and distributed its precious particles over the bed rocks of rivers, was derived from solid quartz veins, which were thin sheets of mineral material inclosed in the foundation rocks of the country. Still in advance of any enactments by Legislature or Congress, the common sense of the miners, which had proved strong enough to govern with wisdom the ownership of placer mines, rose to meet the question of lode claims and sheet-like veins of quartz, and provided that a claim should consist of a certain horizontal block of the vein, however it might run, but extending indefinitely downward, with a strip of surface on, or embracing the vein's outcrop, for the placing of necessary machinery and buildings. Under this theory the lode was the property, and the surface became a mere easement.

"This early California theory of a mining claim, consisting of a certain number of running feet of vein, with a strip of land covering the surface length of the claim, is the obvious foundation for the federal legislation and present system of public disposition and private ownership of the mineral lands west of the Missouri River. Contrasted with this is the mode of disposition of mineral bearing lands east of the Missouri River, where the common law has been the rule, and where the surface tract has always carried with it all minerals vertically below it.

"The great coal, copper, lead, and zinc wealth east of the Rocky Mountains has all passed with the surface titles, and there can be little doubt if California had been contiguous to the eastern metallic regions, and its mineral development progressed naturally with the advantage of home making settlements, the power of common law precedent would have governed its whole mining history. But California was one of those extraordinary historic

exceptions that defy precedent and create original modes of life and law. And since the developers of the great precious metal mining of the far west have for the most part swarmed out of the California hive, California ideas have not only been everywhere dominant over the field of the industry, but have stemmed the tide of federal land policy, and given us a statute book with English common law in force over half the land and California common law ruling in the other."

"The discovery of gold in California," says Justice Field, speaking from the Supreme Bench of the United States, "was followed, as is well known, by an immense immigration into the State, which increased its population within three or four years from a few thousand to several hundred thousand. The lands in which the precious metals were found belonged to the United States, and were unsurveyed and not open by law to occupation and settlement. Little was known of them further than that they were situated in the Sierra Nevada mountains. Into these mountains the emigrants in vast numbers penetrated, occupying the ravines, gulches, and canyons and probing the earth in all directions for the precious metals. Wherever they went they carried with them the love of order and system of fair dealing which are the prominent characteristics of our people. In every district which they occupied they framed certain rules for their government, by which the extent of ground they could severally hold for mining was designated, their possessory right to such ground secured and enforced, and contests between them either avoided or determined. These rules bore a marked similarity, varying in the several districts only according to the extent and character of the mines; distinct provision being made for different kinds of mining, such as placer mining, quartz mining, and mining in drifts or tunnels. They all recognized *discovery*, followed by appropriation, as the foundation of the possessor's title, and development by working as the condition of its retention. And they were so framed as to secure to all comers within practicable limits absolute equality of right and privilege in working the mines. Nothing but such equality would have been tolerated by the miners, who were emphatically the law-makers, as respects mining upon the public lands in the State. The first appropriator was everywhere held

to have, within certain well-defined limits, a better right than others to the claims taken up; and in all controversies, except as against the government, he was regarded as the original owner, from whom title was to be traced. . . . These regulations and customs were appealed to in controversies in the State courts, and received their sanction; and properties to the value of many millions rested upon them. For eighteen years, from 1848 to 1866, the regulations and customs of miners, as enforced and moulded by the courts and sanctioned by the legislation of the State, constituted the law governing property in mines and the water on the public mineral lands."¹

I have spoken of the era of the Spanish navigators, of the peaceful civilization of the missions, of the strenuous life issuing in the adoption of the mining code. Let me give you now a most characteristic example of California's democratic resourcefulness; her method of getting into the Union. But two other states at the present time — Nevada and Wyoming — celebrate the anniversary of their admission into the Union. The reason for California's celebration of that anniversary is well founded. You will recall that the delay incident to the admission of California into the Union as a State was precipitated by the tense struggle then raging in Congress between the North and the South. The admission of Wisconsin had made a tie, fifteen free States and fifteen slave States. The destiny of the nation hung upon the result of that issue, and when California finally entered the Union, it came in as the sixteenth free state, forever destroyed the equilibrium between the North and the South, and made the Civil War practically inevitable. The debate was a battle of giants. Webster, Clay, and Calhoun all took part in it. Calhoun had arisen from his death-bed, to fight the admission of California, and, upon reaching his seat in the Senate, found himself so overcome with weakness and pain that he had Mason of Virginia read the speech he had prepared in writing. Webster atoned for his hostility to the Pacific Coast before the Mexican War by answering Calhoun. "I do not hesitate to avow in the presence of the living God that if you seek to drive us from California . . . I am for disunion," declared Robert Toombs, of

¹ *Jennison vs. Kirk*, 98 U.S., 453.

Georgia, to an applauding House. "The unity of our empire hangs upon the decision of this day," answered Seward in the Senate. National history was being made with a vengeance, and California was the theme. The contest was an inspiring one, and a reading of the Congressional Record covering the period makes a Californian's blood tingle with the intensity of it all.

The struggle had been so prolonged, however, that the people upon this coast, far removed from the scene of it, and feeling more than all else that they were entitled to be protected by a system of laws, grew impatient. They finally proceeded in a characteristically Californian way. They met in legislative assembly and proclaimed: "It is the duty of the government of the United States to give us laws; and when that duty is not performed one of the clearest rights we have left is to govern ourselves."

The first provisional government meeting was held in the *pueblo* of San José, December 11, 1848, and unanimously recommended that a general convention be held at the *pueblo* of San José on the second Monday of January following. At San Francisco a similar provisional meeting was held, though the date of the proposed convention was fixed for the first Monday in March, 1849, and afterwards changed to the first Monday in August.

The various assemblies which had placed other conditions and fixed other dates and places for the holding of the same, gave way, and a general election was finally held under the provisions of a proclamation issued by General Bennet Riley, the United States General commanding, a proclamation for the issuance of which there was no legislative warrant whatever. While the Legislative Assembly of San Francisco recognized his military authority, in which capacity he was not formidable, it did not recognize his civil power. General Riley, however, with that rare diplomacy which seems to have attached to all federal military people when acting on the Pacific Coast, realizing that any organized government that proceeded from an orderly concourse of the people was preferable to the exasperating condition in which the community was left to face its increasing problem under Congressional inaction, himself issued the proclamation for a general convention, which is itself a gem. The delegates met in

Monterey, at Colton Hall, on the 1st of September, and organized on the 3d of September, 1849.

The convention was one of the keenest and most intelligent that ever assembled for the fulfillment of a legislative responsibility. Six of the delegates had resided in California less than six months, while only twenty-one, exclusive of the seven native Californians, had resided here for more than three years. The average age of all the delegates was 36 years. The debates of that convention should be familiar to every citizen of this State. No Californian should be unfamiliar with the great debate on what was to constitute the eastern boundary of the State of California, a debate accompanied by an intensity of feeling which in the end almost wrecked the convention. The dramatic scenes wrought by the patriotism that saved the wrecking of the convention stand out in bold relief. The constitution adopted by this convention was ratified November 13, 1849, and at the same election an entire State and legislative ticket, with two representatives to Congress, was chosen. The senators and assemblymen-elect met in San José on December 15, 1849. On December 20, 1849, the *State government* of California was established and Governor Peter H. Burnett was inaugurated as the first Governor of the *State of California*, and soon thereafter William M. Gwin and John C. Frémont were elected the first United States Senators from the *State of California*. Notwithstanding the fact that there had never been any territorial form of government, notwithstanding the fact that California had not yet been admitted into the Union, these men were all elected as members of the *State government*, and the United States Senators and members of Congress started for Washington to help get the State admitted.

Immediately upon the inauguration of Governor Burnett, General Riley issued this remarkable proclamation:

"To the People of California: A new executive having been elected and installed into office, in accordance with the provisions of the constitution of the State, the undersigned hereby resigns his powers as Governor of California. In thus dissolving his official connection with the people of this country he would tender to them his heartfelt thanks for their many kind attentions and for the uniform support which they have given to the measures

of his administration. The principal object of all his wishes is now accomplished — the people have a government of their own choice, and one which, under the favor of Divine Providence, will secure their own prosperity and happiness and the permanent welfare of *the new State*."

No matter what the legal objections to this course might be, notwithstanding the fact that Congress had as yet passed no bill for the admission of California as a State into the Union, and might never pass one, California broke all precedents by declaring itself a State, and a free State at that, and sent its representatives to Washington to hurry up the passage of the bill which should admit it into the Union.

The brilliant audacity of California's method of admission into the Union stands without parallel in the history of the nation. Outside of the original thirteen colonies she was the only State carved out of the national domain which was admitted into the Union without a previous enabling act or territorial apprenticeship. What was called the State of Deseret tried it and failed, and the annexation of Texas was the annexation of a foreign republic. The so-called State of Transylvania and State of Franklin had been attempted secessions of western counties of the original States of Virginia and North Carolina, respectively, and their abortive attempts at admission were addressed to the Continental Congress and not to the Congress of the United States. With full right, then, did California, by express resolution spreading the explanation upon the minutes of her constitutional convention,¹ avowedly place upon her great seal her Minerva — her "robed goddess-in-arms," — not as the goddess of wisdom, not as the goddess of war, but to signify that as Minerva was not born but sprang full-armed from the brain of Jupiter, so California, without territorial childhood, sprang full-grown into the sisterhood of states.

When it is remembered that California was not admitted into the Union till September 9, 1850, and yet that the first session of its *State* legislature had met, legislated, and *adjourned* by April 22, 1850, some appreciation may be had of the speed limit — if there

¹ J. Ross Browne, *Debates in the Convention of California on the Formation of the Constitution in 1849*, pp. 304, 322, 323.

was a limit. The record of the naïve self-sufficiency of that legislature is little short of amazing.

On February 9, 1850, seven months before the admission of the State, it coolly passed the following resolution: "That the Governor be, and he is hereby authorized and requested, to cause to be procured, and prepared in the manner prescribed by the Washington Monument Association, a block of California marble, cinabar, gold quartz, or granite of suitable dimensions, with the word 'California' chiselled on its face, and that he cause the same to be forwarded to the Managers of the Washington Monument Association in the City of Washington, District of Columbia, to constitute a portion of the monument now being erected in that city to the memory of George Washington." California did not intend to be absent from any feast, or left out of any procession — not if she knew it. And the resolution was obeyed — the stone was cut from a marble-bed on a ranch just outside Placerville, and is now in the monument!

On April 13, 1850, nearly five months before California was admitted into the Union, that legislature gaily passed an act consisting of this provision: "The Common law of England, so far as it is not repugnant to or inconsistent with the constitution of the United States, or the constitution or laws of the State of California, shall be the rule of the decision in all the Courts of the State."

Among other things, three joint resolutions were passed, one demanding of the Federal Government not only a change in the manner of transporting the mails, but also in the manner of their distribution at San Francisco, a second urging upon Congress the importance of authorizing, as soon as practicable, *the construction of a national railroad from the Pacific Ocean to the Mississippi River*, — not from the Mississippi River to the Pacific Ocean, but from the Pacific Ocean to the Mississippi River, — and a third urging appropriate grants of land by the general government to each commissioned officer of the Army of the United States who faithfully and honorably served out a complete term of service in the war with Mexico. Each of the last two resolutions, with grim determination, and without a suspicion of humor, contained this further resolution: "That His Excellency, the Governor, be

requested to forward *to each of our Senators and Representatives in Congress* a certified copy of this joint resolution."

These resolutions were passed five months before the State was admitted into the Union. If the Senators and Representatives were not yet actually "in Congress," — well, they were at least in Washington — and busy. The desire to be admitted into the Union had developed into a yearning to be considered a part of the Union, had ripened into a conviction that the State was, potentially at least, actually a part of the Union, a yearning and a conviction that became almost pathetic in their intensity. The legislature adjourned, and for nearly five months the population of San Francisco assembled on the Plaza on the arrival of every Panama steamer, waiting — waiting — waiting for the answer, which when it did come (in October, 1850) was celebrated with an abandon of joy that has never been equalled on any succeeding Ninth of September.

Californians are recreant to their heritage when they are ignorant of the lives and experiences of those who preceded them on this coast. This history is part of the history of the nation. The record of the achievement of the empire-builders of this coast is one that inspires civic pride and a reverence for their memories. Why should the story remain practically unknown? Why should every little unimportant detail of the petty incidents of Queen Anne's War, and King Philip's War, and Braddock's campaign be crammed into the heads of children who until lately never heard the name of Portolá? The beautiful story of Paul Revere's ride is known to every one, but how many know the story of the invincible determination in the building of Ugarte's ship? William Penn's honest treatment of the Indians is a household word to people who never knew of the existence of Gálvez or Junípero Serra. The story of the hardships of the New England pilgrims in the first winter on the "stern and rock-bound coast" of Massachusetts, is not more pitiful than that of the fate of the immigrants at Donner Lake. Longfellow's "Courtship of Miles Standish and Priscilla" is found in every book of school declamations, but Bret Harte's poem of the tragic love-story of Rezánov and Concha Arguëllo only in complete editions of his works. Why herald the ridiculous attempt of Rhode Island to keep out of the

Union, and not acclaim the splendid effort of California to break into it? Why exhaust our enthusiasm on the charming anecdote of Chauncey Depew and ignore the flaming eloquence of Thomas Starr King and E. D. Baker? How many have ever read the proclamation issued by Commodore Sloat to his marines when he sent the landing-party ashore to hoist the colors at Monterey, — a proclamation that has all the dignity of a ritual, and should be learned by heart as a part of his education by every school-boy in California?

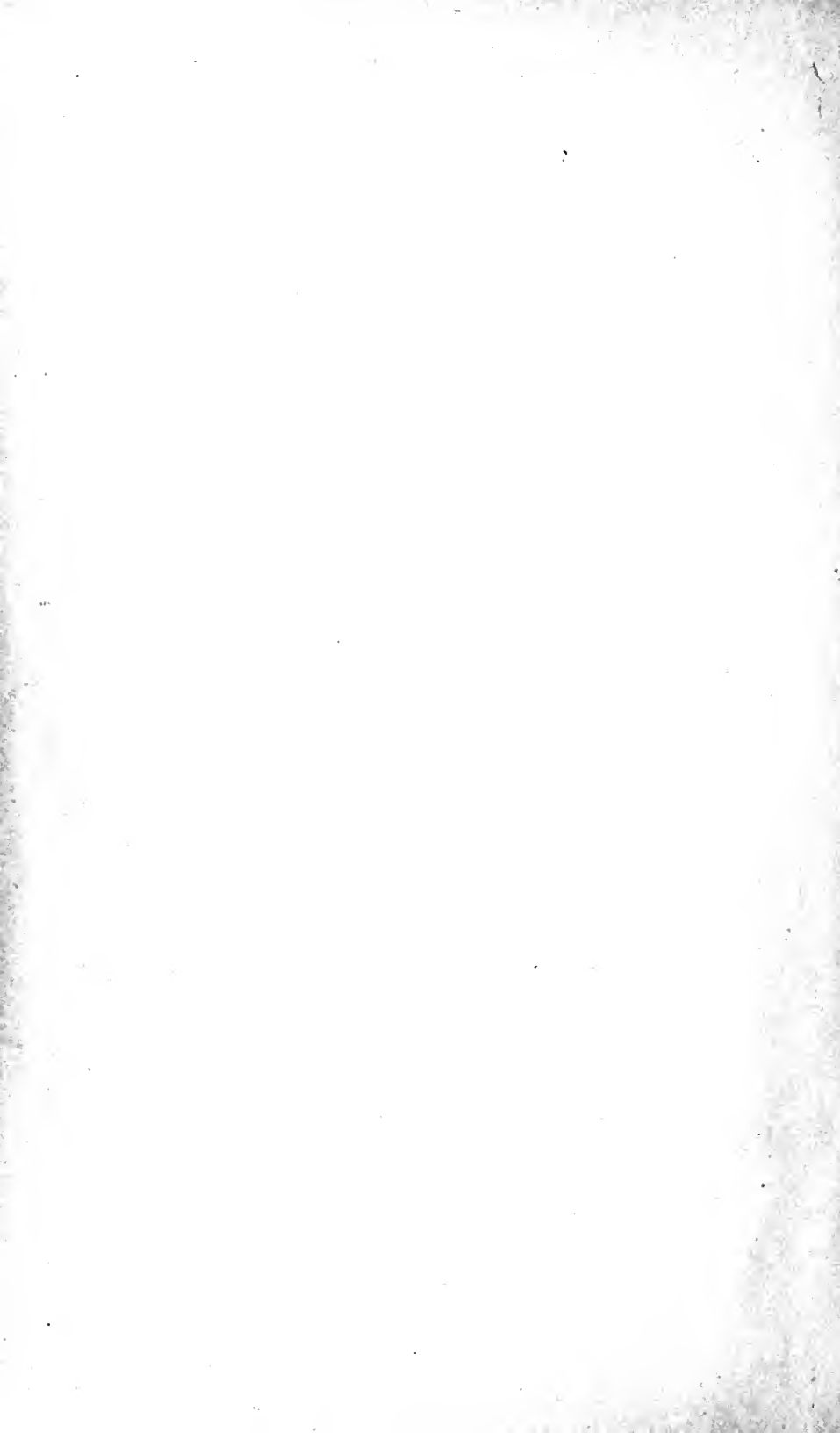
Let me not be misunderstood. I would detract nothing from the glory of other sections of the country. I would minimize nothing of any State's accomplishment. Some of them have a record that is almost a synonym for patriotism. Their tradition is our inheritance; their achievement is our gain. Wisconsin cannot become a veritable workshop of social and economic experiment without the nation being the beneficiary. New England does not enrich her own literature without shedding luster on the literature of the nation. They and theirs belong also to us and to ours. Least of all do I forget the old Bay State and her high tradition—State of Hancock and Warren, of John Quincy Adams and Webster, of Sumner and Phillips and Garrison and John A. Andrew, of Longfellow and Lowell and Whittier and Holmes. Her hopes are my hopes; her fears are my fears. May my heart cease its beating, if, in any presence or any under pressure, it fail to respond an Amen to the Puritan's prayer, "God save the commonwealth of Massachusetts."

But, Gentlemen of the American Historical Association, if they belong to us, we also belong to them. If their traditions belong to us, so also our tradition belongs to them. We simply ask that California be given her proper proportionate place in the history of the country. California simply wants her "place in the sun."

Possibly we have been ourselves somewhat to blame. Possibly in the whirl of introducing the evidence during the trial we have been somewhat neglectful of the state of the record. When I find myself among historians I am somewhat puzzled to reflect that when they read papers at great historical congresses, they sometimes omit the objective facts of history, and the more eminent of them are sometimes tempted to philosophize. When

they are through philosophizing, they prophesy. May I too be permitted, for a moment, to forget that this is an historical congress? May I, too, be permitted to philosophize a little, — if not to prophesy? Wendell Phillips used to say — and he loved to rub it in — “Men make history; scholars write it!” Here in California live a people, and the descendants of a people, drawn from the ends of the earth. Here is the melting-pot of the nations. It is a people keenly alive to the problems of the present. Its environment has thrown it back upon itself and made it a resourceful people. It is a virile people, confident and unafraid. It is the most democratic people in the world — even the women vote. It employs the latest governmental methods and sanctions without having any longer even a consciousness of their novelty. The surmounting of physical obstruction and the perfecting of mechanical invention is the record of its daily experience. It is a young people — with its child-heart intact, with all youth’s contempt for obstacles. It can with incredible courage rebuild a metropolis from its ashes, and in the celebration of the uniting of the oceans it can evoke the admiration of the world with two expositions instead of one, each an enduring lesson of challenging beauty.

Is it any wonder that, when we stop to look backward or to write our record, we are distracted by the scenes and problems of the everlasting present: governmental problems, social problems, industrial problems, international problems, world problems? We see the canal finished before our eyes. The seat of empire begins to shift from the Atlantic to the Pacific. In this very congress, whose sessions are now closing, you have been given the historical background and framework of the new arena. The prophecy of William Henry Seward is being made a reality. The vision of Alexander von Humboldt is coming true. We cannot resist the call of the blood. Though we have a just pride in our forbears and love our State’s traditions, and wish to promote and perpetuate a knowledge of them, and though some of us call ourselves Native Sons of the Golden West, I have a feeling that in intellect, in temperament, in environment, and, it may be, in opportunity, we are still — the Pioneers.





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